



Proposed Rules for Agricultural Pollution Abatement (OAC 1501:15-5)

What does this chapter of OAC cover?

Rules 1501:15-5-01 to 1501:15-5-18 of the Administrative Code apply to the control of pollutants from areas within the state used for agricultural production or silvicultural operations including land used for:

- production or keeping of animals,
- production of agricultural crops, &
- private, industrial, commercial, & public woodlands.

These rules establish state standards for a level of management and conservation practices in farming, silvicultural operations and animal feeding operations on farms in order to abate excessive soil erosion or the pollution of waters of the state by soil sediment and animal waste. ODNR, Division of Soil and Water Resources (ODNR-DSWR) in cooperation with Ohio's Soil and Water Conservation Districts (SWCDs) is responsible for administration of the Agricultural Pollution Abatement Program as outlined in OAC 1501:15-5-01 to 1501:15-5-18.

Why are the rules under review?

The Division of Soil and Water Resources is in the process of conducting a review of eighteen rules in chapter 1501:15-5 of the Administrative Code. State agencies are required to complete reviews of existing rules every five years and the last rule review for this program was completed in 2005. With this in mind, the division formed an advisory committee in 2009 made up of a diverse group of stakeholders to review the current program and offer recommendations for improvement. The advisory committee's recommendations are outlined in a report located on the Division's web site at www.ohiodnr.com/soilandwater/. The committee stakeholders included:

- Local SWCDs,
- Agricultural Producers,
- Agricultural Organizations,
- Environmental Organizations, &
- State & Federal Agencies.

All eighteen rules are being edited or rescinded and replaced. Due to the substantial number of changes being proposed to some rules, it is necessary to rescind and replace the rule rather than just editing it.

What rules are contained in chapter 1501:15-5 of OAC?

- 15-5-01 General Provisions
- 15-5-02 Overflow and discharge from manure collection, storage or treatment facilities
- 15-5-03 Seepage from animal manure management facilities
- 15-5-04 Rainwater runoff from feedlots and manure management facilities
- 15-5-05 Land application of animal manure
- 15-5-06 Other waste waters
- 15-5-08 Sheet and rill erosion
- 15-5-09 Gully erosion
- 15-5-10 Wind erosion
- 15-5-11 Placing and sloughing
- 15-5-12 Erosion for silvicultural operations
- 15-5-13 Agricultural pollution abatement cost sharing
- 15-5-14 Administrative procedures
- 15-5-15 Operating procedures
- 15-5-16 Chief's orders
- 15-5-17 Grants
- 15-5-18 Composting of animal mortalities

What major changes are being proposed as part of these draft rules? (rules affected are shown in parenthesis)

1. Along with the owner and operator of an animal feeding operation, an animal manure applicator is now included as being responsible for land application of animal manure. (rule 05)
2. Language is included to allow the Division of Soil and Water Resources to investigate and resolve complaints. This provides additional flexibility when SWCDs are unable to investigate complaints due to staff availability or when conflicts of interests are identified. (rule 15)



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3. The Chief or his designee is given the authority to approve conservation measures when standards within the USDA-NRCS Field Office Technical Guide are not applicable or feasible for the operation being analyzed. (rules 2,3,4,5,6,13)
4. The maximum amount of cost share that may be provided to landowners or operators is increased from \$15,000 to \$30,000. (rule 13)
5. Language is included that provides the Chief authority to issue an order without referral from an SWCD. This provides flexibility for emergency situations, when SWCDs lack staff availability, or when conflicts of interests are identified. (rule 16)
6. Animal feeding operations failing to implement BMPs for seepage control causing pollution to waters of the state shall implement a plan of modifications to facilities and operations according to the Field Office Technical Guide. (rule 3)
7. Access roads, heavy use protection areas, drainage water management structures, and animal manure treatment systems are included as eligible practices for cost sharing. (rule 13)
8. For complaints that cannot be resolved voluntarily, the requirement for inviting the owner, operator, or person responsible to the next regularly scheduled SWCD board meeting is now optional. Eliminating this requirement will expedite compliance for uncooperative facilities and/or operators. (rule 15)
9. Operation and Management Plans may be approved or disapproved by the Chief. This provides additional flexibility when SWCDs lack staff availability/expertise or when conflicts of interests are identified. (rule 15)
10. The minimum requirement for SWCDs or the Division to investigate complaints is reduced from five days to three days. (rule 15)
11. The term CAFO (concentrated animal feeding operation) is changed to AFO (animal feeding operation) throughout the rule package. (rules 1, 2,4,6,7,18)
12. The term animal waste is changed to animal manure throughout the rule package. (rules 1,2,3,4,5,7,13,15, & 16)
13. For pollution violations where a corrective solution is not implemented within six months, the division may request that the SWCD refer the complaint to ODNR-DSWR. (rule 15)
14. The definitions for aquifer, grassed waterway, and groundwater are reworded to match the definitions provided in OAC 901:10-1-01 as part of the ODA LEPP. (rule 1)

How can I provide input on the proposed revisions?

Comments should be sent to the attention of Rob Hamilton at ODNR, Division of Soil and Water Resources, 2045 Morse Road B-3, Columbus, OH 43229-6693. Comments may also be emailed to the following address: rob.hamilton@dnr.state.oh.us. Although additional comment periods will likely be necessary, the Division is requesting comments be submitted by July 2, 2010. A copy of this fact sheet is also available on the Division of Soil and Water Resources web page at www.ohiodnr.com/soilandwater/.

What is the proposed rulemaking schedule?

At this time the Division is planning to propose the draft rules to the Ohio Soil and Water Commission at its quarterly meeting on July 9, 2010. Once the Commission approves these rules, the Division will file the rules with the Joint Committee on Agency Rule Review (JCARR), Legislative Service Commission and Secretary of State. A public hearing and public comment period will be set at that time.

How can I get a copy of the existing or proposed rules and whom can I contact for additional information?

Go to the Division of Soil and Water Resources web site at www.ohiodnr.com/soilandwater/, or contact Rob Hamilton by e-mail at rob.hamilton@dnr.state.oh.us or by phone at 614-562-0738.

